

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 AUSTIN MICHAEL HAUTH,

12 Defendant.

No. 2:25-CR-00008-SAB

ORDER FOLLOWING
ARRAIGNMENT ON INDICTMENT

13 On Wednesday, January 29, 2025, Defendant was arraigned based on the
14 Indictment (ECF No. 15). Defendant was represented by Assistant Federal
15 Defender Jesse Cantor. Assistant United States Attorney Brian Wynne represented
16 the United States.

17 Defendant was advised of and acknowledged Defendant's rights.

18 The Court entered pleas of not guilty on Defendant's behalf.

19 The Court previously appointed counsel, ECF No. 4, and addressed
20 detention, ECF No. 14. The United States did not change its position on detention.

1 Accordingly, **IT IS ORDERED:**

2 1. The Court directs the parties to review the Local Criminal Rules
3 governing discovery and other issues in this case.

4 <https://www.wawd.uscourts.gov/local-rules-and-orders>.

5 2. Under federal law, including Rule 5(f) of the Federal Rules of
6 Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable
7 decisions from the Supreme Court and the Ninth Circuit interpreting *Brady*, the
8 United States has a continuing obligation to produce all information or evidence
9 known to the United States relating to guilt or punishment that might reasonably be
10 considered favorable to Defendant's case, even if the evidence is not admissible so
11 long as it is reasonably likely to lead to admissible evidence. *See United States v.*
12 *Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the
13 United States to produce to Defendant in a timely manner all such information or
14 evidence.

15 Information or evidence may be favorable to a defendant's case if it either
16 may help bolster the defendant's case or impeach a prosecutor's witness or other
17 government evidence. If doubt exists, it should be resolved in favor of Defendant
18 with full disclosure being made.

19 If the United States believes that a required disclosure would compromise
20 witness safety, victim rights, national security, a sensitive law-enforcement

1 technique, or any other substantial government interest, the United States may
2 apply to the Court for a modification of the requirements of this Disclosure Order,
3 which may include *in camera* review and/or withholding or subjecting to a
4 protective order all or part of the information.

5 This Disclosure Order is entered under Rule 5(f) and does not relieve any
6 party in this matter of any other discovery obligation. The consequences for
7 violating either this Disclosure Order or the United States' obligations under *Brady*
8 include, but are not limited to, the following: contempt, sanction, referral to a
9 disciplinary authority, adverse jury instruction, exclusion of evidence, and
10 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the
11 United States' obligation to disclose information and evidence to a defendant under
12 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit
13 precedent. As the Supreme Court noted, "the government violates the
14 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the
15 defense and material to the defendant's guilt or punishment.'" *Turner v. United*
16 *States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75
17 (2012)).

18 3. Defendant is bound over to Chief Judge Stanley A. Bastian for further
19 proceedings.
20

1 4. Defendant shall remain released pursuant to all previously imposed
2 conditions of release.

3 **IT IS SO ORDERED.**

4 DATED January 29, 2025.



A blue ink signature of Alexander C. Ekstrom is written over a light blue rectangular background.

ALEXANDER C. EKSTROM
UNITED STATES MAGISTRATE JUDGE